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REMARKS

This paper is intended as a full and complete response to the Office Communication dated May 26, 2006, having a statutory period for response set to expire on August 26, 2006.

Claims 1 and 17 are Currently Amended in the Application.

Claims 5, 16, 18, 19, and 21 are Cancelled in the Application.

Claims 7, 9, 10, 13, 10, 14, 15, 29, and 30 are Withdrawn in the Application.

Claims 1-32 are Pending in the Application.

I. Priority

The Office Action once again rejects Applicant's Application as a CIP of US Pat. No. 6,660,308. Applicant disagrees with this finding since Applicant believes that Applicant's Application repeats a substantial portion of US Pat. No. 6,660,308. Applicant believes Applicant's food bar is similar to US Pat. No. 6,660,308 yet only in a different form. Instead of a beverage, as found in US Pat. No. 6,660,308, Applicant's Application is a food bar that produces similar end results and provides similar nutrients to the end user. The ultimate outcome from the consumption of Applicant's food bar and US Pat. No. 6,660,308 are the same. One of the key areas of novelty of Applicant's food bar is the delivery of nutrients to the end user. In this way the beverage as found in US Pat. No. 6,660,308 and Applicant's food bar are similar. Reconsideration of the given priority date is respectfully requested.

II. Rejection 35 USC § 103

The Office Action rejected Claims 1-4, 6, 8, 11, 12, 16-17, 20, 22-27, 31, and 32 under 35 USC § 103(a) as being unpatentable over US Pat. Pub. No. 2003/0152642 *Stone*, US Pat. No. 6,149,939 *Stumor* and 6,632,449 *Niehoff*.

Stone teaches a food supplement that uses wheat germ as a fiber (*Stone* Paragraph [0042]).

Applicant's food bar uses a fiber of either a grain or flax seed (Applicant's Application Claim 1). Grain and flax seed are different from wheat germ. *Stone* does not teach the use of a fiber such as grain or flax seed (*Stone* Paragraph [0041]).

Stone additionally does not teach a method of ingesting a large convenient dosage of glucosamine to be taken in one daily dose that can be quickly absorbed into the bloodstream. *Stone* teaches only adding 1050 mg of glucosamine in the food bar. Applicant's Application adds in excess of 1250 mg of glucosamine in the food bar (Applicant's Application Claim 1).

Applicant's food bar permits a large convenient dosage of glucosamine to bypasses the gut and eliminates the adverse reactions of the supplement's elemental ingredients as well as protects and buffers the lining of the stomach from the high dosages of the supplement's elemental ingredients (Applicant's Application Paragraph [0003]). A large convenient dosage of glucosamine also buffers the glucose levels in the blood and significantly reduces or eliminates the possible adverse effects of the supplement's essential ingredients (Applicant's Application Paragraph [0003]). The ingestion of a large convenient dosage of glucosamine is aided in Applicant's food bar by the sulfur compound methyl sulfonyl methane and the digestive enzymes (Applicant's Application Claim 1).

Strumor teaches the use of emergency ration food tablets (*Strumor* Figure 1-6). Applicant believes that *Strumor* does not teach the missing elements in *Stone* of using a fiber of either a grain or flax seed nor does *Strumor* teach a method of ingesting a large convenient dosage of glucosamine.

Niehoff teaches a beverage composition with at least a boron compound and 10% by weight of composition of water (*Niehoff* Column 2 lines 53-60 and Claim 1). Applicant believes that *Niehoff* does not teach the missing elements in *Stone* of using a fiber of either a grain or flax seed nor does *Niehoff* teach a method of ingesting a large convenient dosage of glucosamine.

Claims 2-6, 8, 11-12, 16-17, 21-24, 26, 27, 31, and 31 depend upon independent Claim 1, and therefore include all the limitations thereof. Since Applicant believes that independent Claim 1 is patentably distinct from *Stone* and *Strumor* , Claims 2-6, 8, 11-12, 16-17,

21-24, 26, 27, 31, and 31 are patentably distinct from *Stone* and *Strumor* as well. Applicant believes that no new subject matter has been added. Reconsideration of the rejection to the Claims in view of the remarks is respectfully requested.

The Office Action rejected Claims 18-20, 24, and 25 under 35 USC § 103(a) as being unpatentable over US Pat. Pub. No. 2003/0152642 *Stone* and US Pat. No. 6,149,939 *Strumor* in view of US Pat No. 6,632,449 *Niehoff*.

Niehoff teaches a beverage composition with at least a boron compound and 10% by weight of composition of water (*Niehoff* Column 2 lines 53-60 and Claim 1).

Applicant believes that *Niehoff* does not teach the missing elements in *Stone* of using a fiber of either a grain or flax seed nor does *Niehoff* teach a method of ingesting a large convenient dosage of glucosamine.

Claims 18-20, 24, and 25 depend upon independent Claim 1, and therefore include all the limitations thereof. Since Applicant believes that independent Claim 1 is patentably distinct from *Stone* and *Strumor*, in view of *Niehoff*. Claims 18-20, 24, and 25 are patentably distinct from *Stone* and *Strumor* in view of *Niehoff* as well. Applicant believes that no new subject matter has been added. Reconsideration of the rejection to the Claims in view of the remarks is respectfully requested.

The Office Action rejected Claims 21 and 22 under 35 USC § 103(a) as being unpatentable over US Pat. Pub. No. 2003/0152642 *Stone* and US Pat. No. 6,149,939 *Stumo*. in view of US Pat No. 5,840,715 *Florio*.

Florio teaches a method of providing nutritional supplements and dietary regimen.

Applicant believes that *Florio* does not teach the missing elements in *Stone* of using a fiber of either a grain or flax seed nor does *Florio* teach a method of ingesting a large convenient dosage of glucosamine.

Claims 21 and 22 depend upon independent Claim 1, and therefore include all the limitations thereof. Since Applicant believes that independent Claim 1 is patentably distinct from *Stone* and *Strumor* , in view of *Florio*. Claims 21 and 22 are patentably distinct from *Stone* and *Strumor* in view of *Florio* as well. Applicant believes that no new subject matter has been added. Reconsideration of the rejection to the Claims in view of the remarks is respectfully requested.

The Office Action rejected Claims 20 and 28 under 35 USC § 103(a) as being unpatentable over US Pat. Pub. No. 2003/0152642 *Stone* and US Pat. No. 6,149,939 *Stumo.* in view of US Pat No. 6,333,304 *Bath.*

Bath teaches a therapeutic composition adapted for ingestion.

Applicant believes that *Bath* does not teach the missing elements in *Stone* of using a fiber of either a grain or flax seed nor does *Bath* teach a method of ingesting a large convenient dosage of glucosamine.

Claims 20 and 28 depend upon independent Claim 1, and therefore include all the limitations thereof. Since Applicant believes that independent Claim 1 is patentably distinct from *Stone* and *Strumor* , in view of *Bath* . Claims 20 and 28 are patentably distinct from *Stone* and *Strumor* in view of *Bath* as well. Applicant believes that no new subject matter has been added. Reconsideration of the rejection to the Claims in view of the remarks is respectfully requested.

The Office Action rejected Claim 28 under 35 USC § 103(a) as being unpatentable over US Pat. Pub. No. 2003/0152642 *Stone* and US Pat. No. 6,149,939 *Stumor* . in view of US Pat No. 6,624,148 *Theoharides*.

Theoharides teaches a composition for oral use with synergistic anti-inflammatories.

Applicant believes that *Theoharides* does not teach the missing elements in *Stone* of using a fiber of either a grain or flax seed nor does *Theoharides* teach a method of ingesting a large convenient dosage of glucosamine.

Claim 28 depend upon independent Claim 1, and therefore include all the limitations thereof. Since Applicant believes that independent Claim 1 is patentably distinct from *Stone* and *Strumor* , in view of *Theoharides*. Claim 28 is patentably distinct from *Stone* and *Strumor* in view of *Theoharides* as well. Applicant believes that no new subject matter has been added. Reconsideration of the rejection to the Claim in view of the remarks is respectfully requested.

Applicant appreciates the examiners time and attention to this matter. Applicant believes no new matter has been added with any amendments that have been made. Reconsideration of this application is respectfully requested.

Respectfully submitted,

8/23/06
Date

Wendy Buskop
32,202

Please mail correspondence to:
To the Address Associated with Customer No. 29637

Buskop Law Group, P.C.
1776 Yorktown, Suite 550
Houston, Texas 77056
713.403.7411